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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,374	10/26/2000	Wen H. Wu	28939/36715	3688

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EXAMINER

COLE, MONIQUE T

ART UNIT

PAPER NUMBER

1743

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,374

Applicant(s)

WU

Examiner

Monique T. Cole

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9,13,14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 2, 10, 11 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-4 and 6-17 are now pending in the instant application. The prior rejection of claims 1-17 as being rejected under 35 USC 112, 2nd paragraph has been withdrawn. Applicant has explained in his remarks that the color transition occurs *in situ* when a dialdehyde contacts the claimed composition and forms a colored complex, thus addressing the Examiner's concerns. The prior rejection of claims 1-4, 7-11, 13, 14, 16 and 17 under 35 USC 102(b) has been withdrawn in light of Applicant's amendment of the claims. The amendment of the claims overcomes the Egidio reference, but a new ground of rejection is being applied.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6, 7, 8, 9, 13, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 4,902,719 to Gerhart et al. (herein referred to as "Gerhart").

Gerhart teaches a composition comprising an ornithine derivative in an amount of 0.5-25%; a methylcellulose, hydroxypropylmethylcellulose or carboxymethylcellulose; water and ethanol. See col. 9, lines 47-64; col. 10, lines 17-19. The composition may further comprise an anionic detergent selected from olefin sulfonates and sulfosuccinates (col. 10, lines 9-11). The Examiner acknowledges that the instant claims recite that the composition be "capable of exhibiting a detectable and measurable color transition in response to a concentration of a

dialdehyde" however, the claimed composition is limited to components a, b and c and do not require the presence of the dialdehyde. Moreover, it is the Examiner's position that since the components of Gerhart are the same as those instantly claimed, the composition as claimed by Gerhart would inherently possess the ability to react colorimetrically to the presence of a dialdehyde. Thus, for the reasons set forth above, Applicant's claimed invention is deemed to be anticipated by Gerhart.

Response to Arguments

3. Applicant's arguments, see Paper No. 4, filed 4/11/2003, with respect to the rejection(s) of claim(s) 1-4, 7-11, 13, 14, 16 and 17 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of USP 4,902,719.

Allowable Subject Matter

4. Claims 2, 10, 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest the particular diamino carboxylic acid formula of claim 2 in combination with a water-soluble polymer and a carrier comprising water; the prior art does not teach or suggest the specific polymers as claimed in claim 11 in combination with a diamino

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carboxylic acid and a carrier comprising water; and, the prior art does not teach or suggest that the polymer be present in an amount of 0.1-5%.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique T. Cole whose telephone number is 703-305-0447. The examiner can normally be reached on Monday-Thursday from 6:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 703-308-4037. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0661.

Monique T. Cole
Examiner
Art Unit 1743

MC MC
June 30, 2003


Jill Warden
Supervisory Patent Examiner
Technology Center 1700